

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
INDIANAPOLIS

**OFFICE MEMORANDUM**

Date: July 2, 2008

To: Water Pollution Control Board Members

From: Bruno Pigott  
Assistant Commissioner, OWQ

Subject: Indianapolis CSO rulemaking

On June 13, 2007, the Water Pollution Control Board adopted rules which established a CSO Wet Weather Limited Use Subcategory. The CSO Wet Weather Limited Use Subcategory would be applicable only to specific water bodies where an LTCP has been approved and Use Attainability Analyses have been performed, reviewed by IDEM, and additional rules are passed designating specific water bodies as qualifying for the Wet Weather Limited Use Subcategory. For any approved rule, the designation would only be effective after complete implementation of a Long Term Control Plan.

Because these rules involve water quality standards revisions, IDEM was required to submit the rule for USEPA review and approval. On June 9, 2008, EPA approved this rulemaking. In its approval letter, USEPA indicated that any future proposed water quality revision to make the subcategory applicable to a specific water body must include appropriate restrictions, including some type of limit on the number of overflow events as reflected in an approved Long Term Control Plan and Use Attainability Analysis.

The Indianapolis UAA rulemaking that was to come before the Water Pollution Control Board on July 9, 2008 is the first Wet Weather Limited Use designation. The rule language was composed before IDEM received the approval from USEPA of the Wet Weather Limited Use Subcategory and the language did not include specific numeric restrictions that EPA indicated are necessary for them to approve such a rule. IDEM has been discussing the incorporation of such language in the rule with USEPA and therefore has requested that the Water Board not include this rulemaking on the July 9, 2008 agenda. The rule will need to be revised and republished before being brought to the board again. IDEM expects to bring a revised version of the rule to the Water Board in the next several months.